

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
25-CA-112001

Date Filed
8/26/13

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer McDonald's Restaurant		b. Tel. No. 217/544-0677
d. Address (Street, city, state, and ZIP code) 2100 N. Dirksen Parkway Springfield, IL 62702		c. Cell No.
e. Employer Representative		f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		g. e-Mail
j. Identify principal product or service Fast food		h. Number of workers employed 20
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, the above-named employer, acting through supervisors and managers, has engaged in surveillance of employees speaking to Union representatives and has instructed one or more such employees not to speak to Union representatives.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

Workers Organizing Committee of Chicago

4a. Address (Street and number, city, state, and ZIP code)

123 West Madison Street
Suite 800
Chicago, IL 60602

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No. (b) (6), (b) (7)(C)

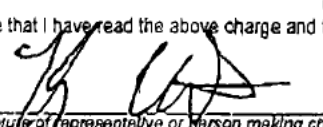
4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By


(signature of representative or person making charge)

Barry M. Bennett, Lawyer

(Print type name and title or office, if any)

Tel. No.

312-372-1361

Office, if any, Cell No.

Fax No.

312-372-6599

e-Mail

bbennett@dbb-law.com

Address

8 South Michigan Avenue, 19th Floor, Chicago, IL 60603

8/26/13
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No.: 25-CA-112061 Case Name: McDonald's Restaurant

Date Filed: 8/26/2013

Category:

1

2

3

Potential 10(j):

☐ YES

☒ NO

8(a)(2) (indicated name of union):

of discriminatees

8(a)(3):

employees (if not currently on charge):

IO Charge?

☐ YES

☒ NO

Dispute Location:

Springfield, IL

Barg. Status:

☐ Existing Contract

☐ Organizational Campaign

☐ Initial Contract

☐ Succeeding Contract

☒ None

Comments:

SUPERVISOR:

AGENT:

8(a)(1)

- ☒ Coercive Actions (Surveillance, etc.)
- ☐ Coercive Rules
- ☒ Coercive Statements (Threats, Promises of Benefits, etc.)
- ☐ Concerted Activities (Retaliation, Discharge, Discipline)
- ☐ Denial of Access
- ☐ Discharge of supervisor (Parker-Robb Chevrolet)
- ☐ Interrogation (including Polling)
- ☐ Lawsuits
- ☐ Weingarten

8(a)(2)

- ☐ Assistance
- ☐ Domination
- ☐ Unlawful Recognition

8(a)(3)

- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge (Including Layoff and Refusal to Hire) (not salting)
- ☐ Discipline
- ☐ Lockout
- ☐ Refusal to Consider/Hire Applicant (salting only)
- ☐ Refusal to Reinstatement E'ee/Striker (e.g. Laidlaw)
- ☐ Retaliatory Lawsuit
- ☐ Shutdown or Relocate/Subcontract Unit Work
- ☐ Union Security Related Actions

8(a)(4)

- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge (including Layoff and Refusal to Hire)
- ☐ Discipline
- ☐ Refusal to Reinstatement Employee/Striker
- ☐ Shutdown or Relocate/Subcontract Unit Work

8(a)(5)

- ☐ Alter Ego
- ☐ Failure to Sign Agreement
- ☐ Refusal to Bargain/Bad Faith Barg. (inc. surface barg./direct dealing)
- ☐ Refusal to Furnish Information
- ☐ Refusal to Hire Majority
- ☐ Refusal to Recognize
- ☐ Repudiation/Modification of Contract (Sec. 8(d)/Unilateral Changes)
- ☐ Shutdown or Relocate (e.g. First National Maint.) Subcontract Work

8(e)

- ☐ All Allegations against a Labor Organization
- ☐ All Allegations against an Employer

Related Cases:

14-CA-110037 - filed 7/29/13 - open



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 33
300 Hamilton Blvd Ste 200
Peoria, IL 61602-1234

Agency Website: www.nlrb.gov
Telephone: (309)671-7080
Fax: (309)671-7095

August 26, 2013

MCDONALD'S RESTAURANT
2100 N. DIRKSEN PARKWAY
SPRINGFIELD, IL 62702

Re: McDonald's Restaurant
Case 25-CA-112001

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ALEXANDER M. HAJDUK whose telephone number is (309)671-7059. If this Board agent is not available, you may contact Officer in Charge DEBRA L. STEFANIK whose telephone number is (309)671-7085.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RIK LINEBACK
Regional Director

By: /s/ Debra L. Stefanik
DEBRA L. STEFANIK
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's Restaurant

CASE NUMBER

25-CA-112001

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S RESTAURANT

Charged Party

and

**WORKERS ORGANIZING COMMITTEE OF
CHICAGO**

Charging Party

Case 25-CA-112001

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 26, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

MCDONALD'S RESTAURANT
2100 N. DIRKSEN PARKWAY
SPRINGFIELD, IL 62702

August 26, 2013

Date

Sara Mol, Designated Agent of NLRB

Name

/s/ Sara Mol

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 33
300 Hamilton Blvd Ste 200
Peoria, IL 61602-1234

Agency Website: www.nlr.gov
Telephone: (309)671-7080
Fax: (309)671-7095

August 26, 2013

WORKERS ORGANIZING COMMITTEE OF CHICAGO
123 W MADISON ST STE 800
CHICAGO, IL 60602-4621

Re: McDonald's Restaurant
Case 25-CA-112001

Dear Sir or Madam:

The charge that you filed in this case on August 26, 2013 has been docketed as case number 25-CA-112001. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ALEXANDER M. HAJDUK whose telephone number is (309)671-7059. If the Board agent is not available, you may contact Officer in Charge DEBRA L. STEFANIK whose telephone number is (309)671-7085.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RIK LINEBACK
Regional Director

By: /s/ Debra L. Stefanik
DEBRA L. STEFANIK
Officer in Charge

cc: BARRY M. BENNETT
DOWD, BLOCH & BENNETT
8 S MICHIGAN AVE FL 19
CHICAGO, IL 60603-3357



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 33
300 Hamilton Blvd Ste 200
Peoria, IL 61602-1234

Agency Website: www.nlr.gov
Telephone: (309)671-7080
Fax: (309)671-7095

September 26, 2013

Gregory H. Andrews, Esq.
150 N Michigan Ave Ste 2500
Chicago, IL 60601-7619

Re: McDonald's Restaurant
Case 25-CA-112001

Dear Mr. Andrews:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

RIK LINEBACK
Regional Director

By: /s/ Debra L. Stefanik
DEBRA L. STEFANIK
Officer in Charge

cc: McDonald's Restaurant
2100 N. Dirksen Parkway
Springfield, IL 62702

Barry M. Bennett, Attorney at Law
Dowd, Bloch & Bennett
8 S Michigan Ave Fl 19
Chicago, IL 60603-3357

Workers Organizing Committee of
Chicago
123 W Madison St Ste 800
Chicago, IL 60602-4621